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**DRAFT**

**Minutes**

**Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
April 17, 2009**



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**Convened: 11:00 a.m.**

**Adjourned: 11:35 a.m.**

**Part A**

**Transcript**

**Part B**

**Attachment Index**

**Attachments 1 – 6**



## **Part A**



# AEMC COMMISSION MEETING - 4/17/2009

Page 1		Page 3
<p style="text-align: center;">ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT BUILDING ALABAMA ROOM (MAIN HEARING ROOM) 1400 COLISEUM BOULEVARD MONTGOMERY, ALABAMA APRIL 17, 2009 11:00 a.m.</p> <p>COMMISSION MEMBERS PRESENT: DR. LAUREL G. GARDNER, CHAIR SAM H. WAINWRIGHT, P.E., VICE-CHAIR DR. JOHN H. LESTER KENNETH A. HAIRSTON, ESQUIRE</p> <p>COMMISSION MEMBERS NOT PRESENT: ANITA L. ARCHIE W. SCOTT PHILLIPS</p> <p>ALSO PRESENT: ONIS "TREY" GLENN, III, ADEM DIRECTOR ROBERT TAMBLING, EMC LEGAL COUNSEL DEBI THOMAS, EMC EXECUTIVE ASSISTANT</p>	<p>1 on at the Department. I hope -- I trust 2 you've been receiving some of the 3 correspondence I've sent between the last 4 Commission meeting and this regarding some 5 of the ongoing activities. As we have 6 discussed, a lot of focus has been on a 7 smaller number of activities spending more 8 time and resources on that and we'll talk 9 about real, real briefly. First you should 10 have recently received a memo from me 11 outlining contracts we've recently entered 12 into, and also from an administrative 13 standpoint the budget issues still exist, 14 and they're very numerous, first starting 15 with the current 2009 budget. Nothing has 16 changed with our current budget since we 17 last spoke. We do continue to have the 18 hiring freeze, and we are implementing the 19 cost cutting measures that we have talked 20 about. We are living within our means, and 21 everything's going according to the plan. 22 There is the possibility of the legislature 23 introducing a supplemental budget for the</p>	
Page 2		Page 4
<p>1 DR. GARDNER: I would like to 2 call this meeting to order. We do have a 3 quorum, and we need to consider the minutes 4 of the meeting held on February 20th, 2009. 5 I would like to entertain a motion from the 6 Commission regarding the adoption of said 7 minutes. 8 MR. LESTER: We approve them. 9 DR. GARDNER: Pardon? 10 MR. WAINWRIGHT: Move we approve 11 the minutes. 12 DR. GARDNER: And a second? 13 MR. WAINWRIGHT: Second. 14 DR. GARDNER: All in favor? 15 (All ayes.) 16 DR. GARDNER: That motion 17 carries. 18 Agenda item Number 2 is the 19 report from the director. 20 MR. GLENN: Thank you, 21 Commissioner. Thank you for the 22 opportunity to stand before you today and 23 update you on some of the activities going</p>	<p>1 2009 budget based on some recent decisions 2 at the Supreme Court that revolve around 3 the Governor's veto we discussed almost a 4 year ago. Now we're not sure if that will 5 affect us much, we hope in a positive way 6 if at all, but that's unknown right now. 7 The 2010 budget has been 8 introduced. I think that was done when we 9 spoke last time or was happening then. 10 That still is the official budget on the 11 floor. It is being discussed in committee 12 now, and so therefore a substitute for that 13 budget will likely occur and our money has 14 not changed much based on that. We come 15 out about the same. If you recall, the 16 2010 budget as introduced was approximately 17 equal to the prorated 2009 budget. So 18 basically we're at the same spot we were 19 when we last spoke from a budget 20 standpoint. 21 Right now on to quarry research 22 as we discussed that a lot during calendar 23 year 2008. We have completed that</p>	

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Page 5	<p>1 research, and you should have received a 2 transmission from me earlier this week on 3 that. Likewise the operating plan 4 implementation has begun. I think we've 5 already got you the first deliverable that 6 was identified in there regarding our field 7 operations division and all the other 8 projects are under way. And we've put a 9 status report out for you to see on that 10 just to allow you to stay continually 11 involved to the level you want to be in 12 seeing our implementation of that operating 13 plan.</p> <p>14 Last from an administrative 15 standpoint rulemaking. We do have a lot of 16 rules before you today. We also have a lot 17 of rules that are under way, and those were 18 in the memo that I sent you earlier this 19 week, a description of those potential 20 future rules and the expected times and 21 dates on those and status of those. Also 22 in the realm of rulemaking, not necessarily 23 associated with an action for us at ADEM or</p>	Page 7	<p>1 down that path that we identified at the 2 last Commission meeting, and I am pleased 3 to report that we do exceed the EPA minimum 4 requirements on checking compliance with 5 those standards, and we plan to continue to 6 do that through efficient utilization of 7 our staff resources even in light of the 8 funding that they have given us.</p> <p>9 We discussed the Conservation 10 Alabama Report, and outside of just some 11 very, very small minor things in there, my 12 review of that report has not changed. 13 There was little things. But for the most 14 part I think they accurately compare that 15 monitoring data to the IRIS values the 16 group included. So nothing about our 17 review of that report changed from what I 18 reported to you at the last Commission 19 meeting, even though we had not officially 20 completed our very detailed review of that. 21 Nothing of a policy substance in my opinion 22 has changed in that. Also if you read in 23 the article -- if you recall the USA Today</p>
Page 6	<p>1 the Commission, but the visible emissions. 2 The Opacity Rule that was discussed a lot 3 last summer and passed and subsequently 4 approved by EPA is being reconsidered yet 5 again by EPA. They're being reconsidered a 6 second time by EPA, and so I just want to 7 make you aware of that. There's also the 8 lawsuit that is ongoing, that that has not 9 changed since we've spoken several times 10 before, but what has changed is EPA has 11 granted a second motion for 12 reconsideration, which is a little unique, 13 but it has occurred, the situation.</p> <p>14 Now let's spend a moment on air 15 toxics. We introduced that topic with a 16 little more structure at the last meeting, 17 so I just want to continue discussing that. 18 First and foremost we do regulate air 19 toxics through the enforcement of and 20 permitting of MACT standards. We do check 21 compliance with MACTs, and I just want to 22 -- we've been discussing that internally. 23 We're making sure that we're continuing</p>	Page 8	<p>1 article that came out a while back that 2 instigated some action in Washington, that 3 has been credited for EPA Administrator 4 Lisa Jackson's efforts to put more monitors 5 around. And there's been four sites 6 selected in Alabama, all of those around 7 schools in Jefferson County, all of which 8 are not -- is not of course an area that we 9 regulate from an air standpoint. So EPA 10 will be working to fund the monitors 11 through the Jefferson County Health 12 Department, not through ADEM, but there is 13 monitoring going on in the sites of 14 interest to EPA and we thought might be a 15 potential area to look at.</p> <p>16 Also we have enhanced our 17 compliance assistance section's efforts to 18 prepare more outreach material targeted at 19 smaller more numerous sources of air 20 toxics. So we've got the bigger source 21 that we regulate, but as you know there are 22 many, many small sources out there of 23 emissions, and we are working with the air</p>

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<p style="text-align: right;">Page 9</p> <p>1 division on our larger sources as well as  2 our compliance assistance group on the  3 smaller sources to make sure there is a lot  4 of information starting to flow out of  5 these walls to have a positive impact on  6 the compliance of individuals with our air  7 toxic standards.  8       Lastly I have personally  9 established conversations with Dr.  10 Williamson of the Public Health Department  11 as well as EPA Region 4 and EPA  12 headquarters involving even face to face  13 meeting with some individuals of the EPA  14 headquarters regarding the question of  15 levels of air toxics in the ambient air and  16 when should we be concerned, what different  17 regulatory options are there. Those  18 discussions have begun as we've mentioned  19 at the last Commission meeting.  20       And we have to talk about federal  21 stimulus if we get together. I think  22 that's a prerequisite with anyone in  23 government today, and this will be no</p> <p style="text-align: right;">Page 10</p> <p>1 exception now. We do continue to  2 coordinate with EPA, with the Governor's  3 office, stakeholders and Congress and  4 everyone on the implementation of that  5 federal stimulus program. Not much has  6 changed since we talked before on that  7 except for now we are in the implementation  8 process. The most notable funding coming  9 through ADEM is in the area of the water  10 and waste water infrastructure loans, our  11 SRF program, and we do anticipate loaning  12 out approximately 93 million dollars this  13 year. Of that approximately 30 million  14 dollars will be principal forgiveness. So  15 of the 90 something million we loan out,  16 only 60 millionish will have to be repaid  17 back, so you can see how that will greatly  18 benefit many of the recipients of those  19 loans. We do plan on putting that intended  20 use plan out for public notice here very,  21 very soon and to have that process on move  22 to get those loans out as quickly as we  23 can. Other notable items from the stimulus</p>	<p style="text-align: right;">Page 11</p> <p>1 package are the cleanup of UST sites,  2 approximately four million dollars of  3 activity scheduled for Alabama as well as  4 retro fittings of diesel engines. I think  5 in the press clipping you saw an EPA press  6 release on that grant award that  7 highlighted the main use of that money,  8 which is off road diesel engines for the  9 Department of Transportation in the  10 Jefferson County area where it should have  11 a very real impact on the air quality in  12 that area.  13       We will continue to apply for any  14 competitive grants that are available, such  15 as Brownfield and others, and continue to  16 work on the implementation of these current  17 grants that we have.  18       And the last thing from my more  19 traditional report is Supplemental  20 Environmental Projects. I know we've  21 talked about that in very general terms for  22 some time now, but we also for some time  23 have been working on the process of</p> <p style="text-align: right;">Page 12</p> <p>1 developing a SEP bank, a Supplemental  2 Environmental Project bank. And basically  3 SEPs are commonly used to offset a portion  4 of a penalty that may be levied to a  5 violator during a formal enforcement  6 action, and you would offset the benefit of  7 the SEP of the project. That might offset  8 some of the penalty amount that they would  9 have to pay, assuming it provides a  10 positive impact for Alabama's environment  11 and happening inside even the local  12 community where that impact might have  13 occurred. Our plan will include the  14 continuous identification, just a rolling  15 list of qualifying state projects that can  16 be deposited into that SEP bank for people  17 to consider, for entities that might be  18 under enforcement action from us to  19 consider in a response to an enforcement  20 action that they get from us. The use of a  21 SEP bank is voluntary. We cannot require  22 someone to do this. Should they want to  23 just pay a fine, they can do that. But we</p>
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<p style="text-align: right;">Page 13</p> <p>1 also might will encourage the use of  2 Supplemental Environmental Projects in  3 putting some projects on the ground that  4 will have a positive impact on health and  5 safety of the citizens of Alabama in their  6 area and throughout the whole state of  7 Alabama. So I just want to introduce that  8 process is ongoing, and we're doing this of  9 course in coordination with many  10 stakeholders, EPA and others to make sure  11 that that program is very successful.  12 That concludes the primary  13 remarks as I mentioned to Chair Gardner  14 before. We do have an award to give out,  15 but before we do that, would you like me to  16 answer any questions?  17 DR. GARDNER: Are there any  18 questions?  19 MR. WAINWRIGHT: How fast will  20 that stimulus money get to the job sites?  21 When will the bids go out?  22 MR. GLENN: Well, we will close  23 loans hopefully as early as late summer,</p>	<p style="text-align: right;">Page 15</p> <p>1 down here, I would love to take this  2 opportunity to recognize Harvest-Monrovia  3 receiving a national recognition from EPA  4 with the presentation of an award revolving  5 around the Drinking Water State Revolving  6 Fund for sustainable public health  7 protection. It recognizes a drinking water  8 SRF Award. DWSRF you see, this is our loan  9 program we just spoke about and  10 Harvest-Monrovia was a recipient of  11 approximately -- a loan for the  12 construction of a 10 MGD waste water  13 treatment plant to provide advanced water  14 treatment for two existing wells, two  15 storage tanks, as well as an emergency  16 connection with the City of Madison. These  17 awards go to borrowers who demonstrate  18 leadership innovation and creative use of  19 projects to advance the goals of the Safe  20 Drinking Water Act. Only five projects in  21 the southeast are receiving this honor, and  22 one of those happens to be Harvest-Monrovia  23 here in Alabama. So if we could, I</p>
<p style="text-align: right;">Page 14</p> <p>1 and if you will let me turn around and make  2 sure nobody kicks me on that, roughly late  3 summer. And then once those loans are  4 closed, that money should be -- contracts  5 let. Those projects should begin working,  6 and we hope to see work happening this  7 calendar year. And that was of course the  8 intention of Congress and the President in  9 doing that. For a project to be qualified  10 this year, it has to be shovel ready. So  11 it has to be ready to go. Some projects,  12 we know they already have contracts let,  13 and they're ready to move on these things.  14 Some of them will be quicker than others,  15 but there are requirements, and should  16 someone not be able to meet the time  17 requirements in there, we'll -- the funding  18 will likely go to someone else that can do  19 that.  20 DR. GARDNER: Are there any  21 further questions for Mr. Glenn?  22 MR. GLENN: Now with that said,  23 Chair Gardner, if you don't mind joining me</p>	<p style="text-align: right;">Page 16</p> <p>1 understand Mr. Roger Rabi, who is a general  2 manager, is here, and if he will come up  3 and receive the award, we would like to  4 recognize you.  5 (Award presented.)  6 MR. GLENN: Chair Gardner, that  7 does conclude my report pending any  8 questions.  9 DR. GARDNER: Thanks. We  10 appreciate it. Excuse me. Agenda item  11 Number 3 is the report from the Commission  12 Chair. I really don't have anything at  13 this meeting other than to thank the  14 Strategic Planning Committee for the work  15 that they've done on reconciling the public  16 comments. Mr. Wainwright will be  17 addressing that in the next agenda item,  18 and that's really all I've got. So Mr.  19 Wainwright, agenda item 4, the report from  20 the Strategic Planning Ad Hoc Committee.  21 MR. WAINWRIGHT: Madam Chair, the  22 Strategic Planning Ad Hoc Committee met  23 this morning briefly to review the</p>

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<p style="text-align: right;">Page 17</p> <p>1 reconciliation statements for the comments  2 that were made during the public hearing  3 process for the rule change. There was one  4 slight change to the rule that opens it up  5 to allow the Commission to make to go back  6 into the strategic plan at any time the  7 Commission so chooses. There was some  8 comments from Dr. Felker and Mr. Hairston  9 had made comments regarding the fact that  10 it was a little rigid, so it has opened up  11 and the rule that's proposed is to allow  12 them to go back into the strategic plan as  13 the Commission sees fit. The Committee  14 recommends the reconciliation as part of  15 your consideration for the rule change, and  16 I guess the next step would be a motion to  17 adopt the rules, and under agenda Item 5,  18 and I would like to say one more thing  19 after we do Item 5.  20 DR. GARDNER: Okay. Let's move  21 on to agenda item Number 5. The Commission  22 is to consider the adoption of proposed  23 amendments to the Division 1 General</p>	<p style="text-align: right;">Page 19</p> <p>1 sign. And that motion will carry.  2 And the second part of this  3 agenda item is to entertain a motion from  4 the Commission regarding the adoption of  5 the proposed amendments to Division 2  6 Environmental Management Commission  7 Regulations. Do you have a motion?  8 MR. WAINWRIGHT: So moved.  9 MR. LESTER: Second.  10 DR. GARDNER: Is there any  11 discussion regarding these proposed  12 amendments?  13 MR. LESTER: Second.  14 DR. GARDNER: Okay. All in favor  15 of these proposed amendments say aye.  16 (All ayes.)  17 DR. GARDNER: All opposed, like  18 sign. That motion also carries.  19 MR. WAINWRIGHT: Madam Chair,  20 before we get away from this issue, I would  21 like to thank the Committee, Mr. Hairston  22 and Dr. Lester for all of their efforts in  23 getting this accomplished. I would also</p>
<p style="text-align: right;">Page 18</p> <p>1 Administration Regulations and the Division  2 Environmental Management Commission  3 Regulations. Do you have any further  4 comments, Mr. Wainwright, before we move on  5 to the motion?  6 MR. WAINWRIGHT: No. I think  7 everybody's had several months to look  8 these over, and I have no other comments.  9 DR. GARDNER: I would like to  10 entertain a motion from the Commission  11 regarding the adoption of these amendments.  12 MR. WAINWRIGHT: So move.  13 DR. GARDNER: Division 1 General  14 Administration Regulations.  15 MR. WAINWRIGHT: So move.  16 DR. GARDNER: Do I have a second?  17 MR. LESTER: I second.  18 DR. GARDNER: Is there any  19 discussion from the Commission? Okay. All  20 in favor of adoption of these proposed  21 amendments say aye.  22 {All ayes.)  23 DR. GARDNER: All opposed, same</p>	<p style="text-align: right;">Page 20</p> <p>1 like to thank the Director who's spent a  2 tremendous amount of time with Mr. Robert  3 Ashurst from the Auburn -- I guess it's the  4 Auburn Government Center. They did a  5 tremendous job putting the plan together  6 and getting these rules prepared. Also I  7 would like to thank Robert Tambling and  8 John Hagood for their efforts in doing the  9 reconciliation, and the charge that was  10 given to this ad hoc committee has now been  11 completed, and I would recommend that the  12 Committee be discharged.  13 DR. GARDNER: Okay. I believe  14 according to our rules once that charge is  15 completed that the Committee simply is  16 dissolved, so we consider that Committee  17 dissolved. Okay.  18 Moving on to agenda item 6, we  19 will consider the adoption of the proposed  20 amendments to the Division 1 General  21 Administration Regulations and the proposed  22 addition of Division 5 Uniform  23 Environmental Covenant Program Regulations.</p>

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<p style="text-align: right;">Page 21</p> <p>1 I believe Mr. Hardy is going to grace us 2 with his presence this morning. 3 MR. HARDY: Good morning, madam 4 Chairman. I am Gerald Hardy, Chief of the 5 Land Division. In June of 2007 Governor 6 Bob Riley signed into law the Alabama 7 Uniform Environmental Covenants Act, which 8 had an effective date of January the 1st, 9 2008. ADEM staff began rulemaking for the 10 act in August of 2008 to draft regulations 11 in a new Division 5 of the ADEM 12 Administrative Code and to add fees in 13 Division 1. The public comment period 14 began August 29th, and a public hearing was 15 held October 8th. Due to the number of 16 comments received and their nature, it was 17 decided not to go forward with that 18 rulemaking and to review and revise the 19 proposed rules to address significant 20 comments. A second rulemaking was began in 21 January 2009, also to add the new Division 22 5 and fees in Division 1. Public comment 23 period began January the 30th and ended</p>	<p style="text-align: right;">Page 23</p> <p>1 Covenants rules do apply to all federal 2 facilities and is proposing language in the 3 final draft specifically stating the same. 4 The comments and responses stating the 5 Department's position regarding the changes 6 in question were sent to the commentors. 7 At this time the Department requests the 8 Commission to adopt these rules, a new 9 Division 5 and revisions to Division 1 as 10 recommended. I'll be glad to answer any 11 questions you may have. 12 DR. GARDNER: Are there any 13 questions for Mr. Hardy? Okay. First 14 we're going to entertain a motion regarding 15 the adoption of proposed amendments to the 16 Division 1 General Administration 17 Regulations. Do I have a motion? 18 MR. LESTER: I so move. 19 DR. GARDNER: Do I have a second? 20 MR. WAINWRIGHT: I second. 21 DR. GARDNER: Is there any 22 discussion regarding this motion? All in 23 favor please say aye.</p>
<p style="text-align: right;">Page 22</p> <p>1 March the 6th, and the public hearing was 2 held on March the 6th. Comments were 3 received from five persons during the 4 comment period. Many of the comments were 5 about specific wording or the meaning of 6 words and phrases in both Division 1 and 7 Division 5. Two comments on Division 5 8 were more significant. One stated that 9 ADEM was creating new real property law in 10 one section of the regulations and the 11 second wanted the regulations to not apply 12 to federal facilities until and unless the 13 property was transferred to private 14 ownership. 15 Our staff carefully reviewed all 16 comments, and we are proposing to amend the 17 regulations as shown on the reconciliation 18 statement previously provided to the 19 Commission. The proposed regulation 20 alleged to have created new real property 21 law has been removed from the final draft 22 regulations. And the Department strongly 23 believes that the Uniform Environmental</p>	<p style="text-align: right;">Page 24</p> <p>1 (All ayes.) 2 DR. GARDNER: All opposed, same 3 sign. Motion carries. 4 Next we will entertain a motion 5 regarding the adoption of proposed addition 6 of Division 5 Uniform Environmental 7 Covenant Program Regulations. Do I have a 8 motion to adopt these? 9 MR. LESTER: So moved. 10 DR. GARDNER: Do I have a second? 11 MR. HAIRSTON: Second. 12 DR. GARDNER: Is there any 13 discussion regarding this motion? I think 14 there's no discussion or questions. All in 15 favor of the proposed regulations signify 16 by saying aye. 17 (All ayes.) 18 DR. GARDNER: All opposed, same 19 sign. That motion also carries. Thank 20 you, Mr. Hardy. Moving on to agenda item 21 Number 7. The Commission is going to 22 consider the adoption of proposed 23 amendments to the Division 7 Water Supply</p>

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Page 25	<p>1 Program Regulations.</p> <p>2 MR. HARRISON: Madam Chair and</p> <p>3 members of the Commission, I am Dennis</p> <p>4 Harrison, and I am Chief of the Drinking</p> <p>5 Water Branch of the Water Division. In</p> <p>6 December 2008 the Department initiated the</p> <p>7 rulemaking process to consider proposed</p> <p>8 amendments to ADEM Administrative Code</p> <p>9 335-7 addressing federal regulations that</p> <p>10 that were promulgated in 2006 and 2007.</p> <p>11 Adoption of these revisions will allow the</p> <p>12 Department to retain privacy for</p> <p>13 implementation of federal drinking water</p> <p>14 requirements for public water systems in</p> <p>15 Alabama. In this rulemaking the Department</p> <p>16 proposed the addition of new rules to adopt</p> <p>17 the requirements of the new federal ground</p> <p>18 water rule. Other federal revisions</p> <p>19 proposed for adoption at the state level</p> <p>20 strengthen the implementation of the lead</p> <p>21 and copper rule. All other state revisions</p> <p>22 include correcting clerical errors and</p> <p>23 making clarifications to existing rules.</p>	Page 27	<p>1 DR. GARDNER: Are there any</p> <p>2 further questions? I would like to</p> <p>3 entertain a motion from the Commission</p> <p>4 regarding the adoption of proposed</p> <p>5 amendments Division 7 Water Supply Program</p> <p>6 Regulations.</p> <p>7 MR. HAIRSTON: I move.</p> <p>8 MR. LESTER: I second.</p> <p>9 DR. GARDNER: Mr. Lester. Is</p> <p>10 there any further discussion or further</p> <p>11 comments? All in favor of the proposed</p> <p>12 amendments signify by saying aye.</p> <p>13 (All ayes.)</p> <p>14 DR. GARDNER: All opposed, same</p> <p>15 sign. Motion carries. Thank you.</p> <p>16 Moving on to agenda item Number</p> <p>17 8. The Commission is going to consider the</p> <p>18 adoption of proposed amendments to the</p> <p>19 Division 13 Solid Waste Regulations. Mr.</p> <p>20 Hardy.</p> <p>21 MR. HARDY: Good morning, madam</p> <p>22 Chairman and members of the Commission.</p> <p>23 I'm Gerald Hardy, Chief of the Land</p>
Page 26	<p>1 On February 4th, 2009 a public hearing was</p> <p>2 held regarding the proposed revisions.</p> <p>3 Written comments were accepted any time</p> <p>4 during the public comment period, which</p> <p>5 extended from December 22nd, 2008 through</p> <p>6 February 4th, 2009. During the comment</p> <p>7 period the Department received written</p> <p>8 comments from one commentor. That was U.S.</p> <p>9 EPA Region 4. At the hearing on February</p> <p>10 4th, 2009 no one presented oral testimony.</p> <p>11 EPA's comments were predominantly</p> <p>12 administrative corrections. All EPA</p> <p>13 comments have been addressed. The</p> <p>14 Department requests that the Commission</p> <p>15 adopt the proposed revisions with changes</p> <p>16 pursuant to EPA's comments, and I will be</p> <p>17 glad to answer any questions which you may</p> <p>18 have.</p> <p>19 DR. GARDNER: Does the Commission</p> <p>20 have any questions, please?</p> <p>21 MR. HAIRSTON: Did you do what</p> <p>22 EPA said?</p> <p>23 MR. HARDY: Yes, sir.</p>	Page 28	<p>1 Division, and I am before you to recommend</p> <p>2 the Commission's adoption of amendments to</p> <p>3 the Department's Solid Waste Regulations.</p> <p>4 The proposed regulation before the</p> <p>5 Commission today would establish the</p> <p>6 requirements for the implementation of an</p> <p>7 unauthorized solid waste dump remediation</p> <p>8 program under the Solid Waste Fund. This</p> <p>9 fund was created by the Solid Waste and</p> <p>10 Recyclable Materials Management Act, which</p> <p>11 was passed by the legislature and signed</p> <p>12 into law by the Governor last year. The</p> <p>13 proposed regulations before you were the</p> <p>14 subject of a public comment period that ran</p> <p>15 from January the 25th to March the 11th,</p> <p>16 2009 and of a public hearing held on March</p> <p>17 the 11th. Only one commentor spoke at the</p> <p>18 public hearing. The Department has</p> <p>19 reviewed the comments and made the</p> <p>20 appropriate revisions to the proposed</p> <p>21 regulations to reconcile those suggestions.</p> <p>22 Pending any questions you might have, the</p> <p>23 Department asks that the Commission adopt</p>

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# AEMC COMMISSION MEETING - 4/17/2009

Page 29	<p>1 these changes to the Solid Waste 2 Regulations. 3 DR. GARDNER: Does the Commission 4 have any questions from Mr. Hardy regarding 5 this? 6 MR. HAIRSTON: What would it do? 7 MR. HARDY: Creates a fund to 8 clean up illegal dumps that are discovered. 9 And we have a ranking process to rank the 10 number of dumps, and it provides moneys to 11 clean up those dumps on innocent land 12 owners or where that proposed presents a 13 threat to public health, we can clean those 14 up even if we know who the creator of the 15 dump is. 16 MR. HAIRSTON: How do you 17 generate the revenue? 18 MR. HARDY: It's from a dollar 19 per ton or 25 cents per cubic yard that's 20 for waste disposed of in landfills in the 21 state. 25 percent of that money goes into 22 this Solid Waste Fund for the cleanup of 23 illegal dumps.</p>	Page 31	<p>1 DR. GARDNER: All opposed, same 2 sign. And that motion carries. 3 MR. HARDY: Thank you. 4 DR. GARDNER: Moving on to agenda 5 item Number 9, other business. I believe 6 Dr. Lester has something for us. 7 MR. LESTER: Madam Chairman, for 8 the Personnel Committee on December the 9 12th meeting, it was discussed of updating 10 our personnel evaluation form. At the time 11 we talked about when we get through the 12 strategic plan business and then we would 13 follow up with this, which today we went 14 through the strategic plan. Our last 15 meeting we were talking about that to try 16 to get this contact with Dr. Ashurst who 17 had just done our strategic plan and see if 18 he could come up with a proposal for doing 19 this environmental management evaluation 20 form of the Director. That's what it's 21 called. We got a proposal from him but 22 only Tuesday, and due to our rules, it 23 states that we have to bring any new</p>
Page 30	<p>1 MR. WAINWRIGHT: How are you 2 notified of these places? 3 MR. HARDY: Through complaints. 4 MR. WAINWRIGHT: Public? 5 MR. HARDY: Either from the 6 general public or we have other officials 7 that observe and notice these, and we've 8 been running a list of these illegal dumps 9 for a while. This will provide a mechanism 10 for us to finally clean up and remediate a 11 number of those. 12 DR. GARDNER: Are there any 13 further questions? I would like to 14 entertain a motion from the Commission 15 regarding the adoption of the proposed 16 amendments to Division 13 Solid Waste 17 Regulations. 18 MR. HAIRSTON: I move. 19 MR. WAINWRIGHT: Second. 20 DR. GARDNER: Any further 21 discussion? All in favor of these 22 amendments please signify by saying aye. 23 (All ayes.)</p>	Page 32	<p>1 business up until -- or any other business 2 until we've had seven days notice. So I 3 would like each of the Commissioners to 4 have a copy of the proposal to go through 5 it and then at our next meeting bring it to 6 the Commission to see if they want to go 7 this route with Dr. Ashurst and the AUM 8 Center of Government. 9 DR. GARDNER: Well, thank you for 10 bringing that to our attention. I think 11 that we each have a copy under agenda item 12 Number 9 in our packets, and we'll make 13 sure that gets on the agenda for our next 14 meeting. Is there any further business? 15 Okay. Agenda Item 10 is our 16 future meeting. The proposed date for the 17 next Commission meeting is June 19th, 2009. 18 That is of course a Friday. The proposed 19 location is the ADEM building, and the 20 start time is 11 a.m. Are there any known 21 conflicts at this time? Do I have a motion 22 to accept that -- we don't need a motion 23 for that, so we'll just set that meeting</p>

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1 for the 19th. If there's nothing else from  
2 anybody, we will adjourn this meeting.

3 Thank you for your attendance.

4 (The hearing was concluded at  
5 11:35 a.m.)

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1 CERTIFICATE  
2

3 STATE OF ALABAMA  
4 TALLADEGA COUNTY  
5

6 I, the undersigned, a CSR, RPR, CRR  
and Notary Public of the State of Alabama  
at Large, hereby certify that the  
7 proceedings in the herein matter were taken  
at the time and place therein stated; that  
8 the proceedings were reported by me, court  
reporter and disinterested person, and were  
9 thereafter transcribed by means of  
computer-aided transcription; that the  
10 foregoing is a complete and true record of  
said witness.  
11

12 I further certify that I am not of  
counsel or attorney for either or any of  
the parties in the foregoing proceedings  
13 and caption named, or in any way interested  
in the outcome of the cause named in said  
14 caption.

15 IN WITNESS WHEREOF set my hand and  
affixed my seal this 30th day of April,  
16 2009.  
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20

21 Mitzi Smith, ACCR# 117, RPR, CRR  
Notary Public State of Alabama  
22 My Commission Expires: August 12, 2010  
23

9 (Pages 33 to 34)

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## 1 CERTIFICATE

2  
3 STATE OF ALABAMA

4 TALLADEGA COUNTY

5  
6 I, the undersigned, a CSR, RPR, CRR  
7 and Notary Public of the State of Alabama  
8 at Large, hereby certify that the  
9 proceedings in the herein matter were taken  
10 at the time and place therein stated; that  
11 the proceedings were reported by me, court  
12 reporter and disinterested person, and were  
13 thereafter transcribed by means of  
14 computer-aided transcription; that the  
15 foregoing is a complete and true record of  
16 said witness.17  
18 I further certify that I am not of  
19 counsel or attorney for either or any of  
20 the parties in the foregoing proceedings  
21 and caption named, or in any way interested  
22 in the outcome of the cause named in said  
23 caption.IN WITNESS WHEREOF set my hand and  
affixed my seal this 30th day of April,  
2009.19  
20 Mitzi Smith /ca21 Mitzi Smith, ACCR# 117, RPR, CRR  
22 Notary Public State of Alabama

23 My Commission Expires: August 12, 2010



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## **Part B**





## **Attachment Index**

<b>Attachment 1</b>	<b>Agenda</b>
<b>Attachment 2</b>	<b>Resolutions adopting amendments to the Division 1 – General Administration Regulations and the Division 2 – Environmental Management Commission Regulations</b>  <b>(Agenda Item 5 – Consideration of adoption of proposed amendments to the Division 1 – General Administration Regulations and the Division 2 – Environmental Management Commission Regulations)</b>
<b>Attachment 3</b>	<b>Resolutions adopting amendments to the Division 1 – General Administration Regulations and the Division 5 – Uniform Covenant Program Regulations</b>  <b>(Agenda Item 6 – Consideration of adoption of proposed amendments to the Division 1 – General Administration Regulations and the proposed addition of the Division 5 – Uniform Covenant Program Regulations)</b>
<b>Attachment 4</b>	<b>Resolution adopting amendments to the Division 7 – Water Supply Program Regulations</b>  <b>(Agenda Item 7 – Consideration of adoption of proposed amendments to the Division 7 – Water Supply Program Regulations)</b>
<b>Attachment 5</b>	<b>Resolution adopting amendments to the Division 13 – Solid Waste Regulations</b>  <b>(Agenda Item 8 – Consideration of adoption of proposed amendments to the Division 13 – Solid Waste Regulations)</b>
<b>Attachment 6</b>	<b>Proposal to the Alabama Environmental Management Commission for the Development of a Form for the Evaluation of the Director – March 15, 2009 Auburn Montgomery Center for Government</b>  <b>(Agenda Item 9 – Other Business)</b>



## **Attachment 1**



Amended 3/26/09

AGENDA\*  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING  
Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Hearing Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
Friday, April 17, 2009  
11:00 a.m.

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\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov), under EMC Information and Calendar of Events.

\*\* The Minutes for this meeting will be available on the ADEM website under EMC Information.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 20, 2009
2. REPORT FROM THE DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. REPORT FROM THE STRATEGIC PLANNING AD HOC COMMITTEE
5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 1 – GENERAL ADMINISTRATION REGULATIONS AND THE DIVISION 2 – ENVIRONMENTAL MANAGEMENT COMMISSION REGULATIONS

The Commission will consider proposed amendments to the Division 1 – General Administration Regulations and the Division 2 – Environmental Management Commission Regulations. The Commission proposes to amend ADEM Administrative Code rule 335-1-1-.03 to establish a process for updating the Unified Strategic Plan (USP) and ADEM Administrative Code rule 335-2-2-.05 to add a new paragraph (h) to include consideration of the relevance and relation of a proposed rule to the most recent USP as an item that the Commission may take into account when it considers petitions for rulemaking. The current paragraph (h) in rule 335-2-2-.05 will be changed to paragraph (i). The Commission held a public hearing on the proposed amendments on February 4, 2009.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 1 – GENERAL ADMINISTRATION REGULATIONS AND THE PROPOSED ADDITION OF DIVISION 5 – UNIFORM ENVIRONMENTAL COVENANT PROGRAM REGULATIONS

The Commission will consider proposed amendments to the Division 1 – General Administration Regulations and the proposed addition of Division 5 – Uniform Environmental Covenant Program Regulations. The Department proposes to add Division 5 to its Administrative Code to implement the Alabama Uniform Environmental Covenants Act, which was enacted into law in June 2007, and to revise Division 1 to include Schedule J – Environmental Covenant Fees. The Department held a public hearing on the proposed amendments on March 6, 2009.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 7 – WATER SUPPLY PROGRAM REGULATIONS

The Commission will consider proposed amendments to the Division 7 – Water Supply Regulations. The Department proposes to amend ADEM Administrative Code chapters 335-7-2, 335-7-5, 335-7-6, 335-7-10, 335-7-11, 335-7-14, and Appendices A, B, and C to reflect changes in the federal National Primary Drinking Water Regulations. Other revisions include correcting clerical errors and making clarifications to existing rules. The Department held a public hearing on the proposed amendments on February 4, 2009.

8. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE  
DIVISION 13 – SOLID WASTE REGULATIONS

The Commission will consider proposed amendments to the Division 13 – Solid Waste Regulations. The Department proposes to amend its Administrative Code by creating Rule 335-13-11, which would establish the regulatory requirements necessary for the implementation of the Solid Waste Fund site remediation program. The Department held a public hearing on the proposed amendments on March 11, 2009.

9. OTHER BUSINESS

10. FUTURE BUSINESS SESSION





## **Attachment 2**



**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-1 of the Department's General Administration Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, a representative of the Environmental Management Commission Strategic Planning Ad Hoc Committee (hereafter referred to as the Strategic Planning Committee) in consultation with a representative of the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by a representative of the Strategic Planning Committee in consultation with a representative of the Alabama Department of Environmental Management and submitted to the Commission by the Strategic Planning Committee.

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the revisions of chapter 335-1-1-.03, Organization and Duties of the Commission, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

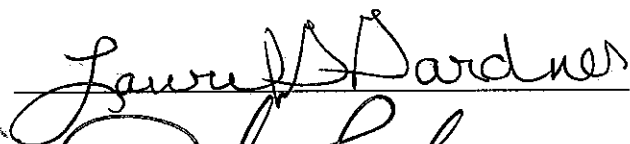
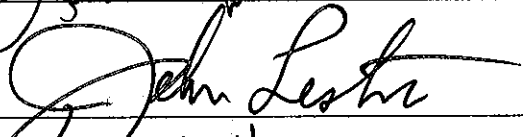


**ENVIRONMENTAL MANAGEMENT COMMISSION**

**RESOLUTION**

ADEM Admin. Code 335-1-1-.03  
Organization and Duties of the Commission  
General Administration

IN WITNESS WHEREOF, we have affixed our signatures below on this 17<sup>th</sup> day of April  
2009.

APPROVED:

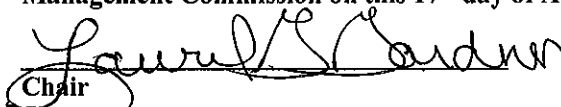
DISAPPROVED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSTAINED:

\_\_\_\_\_

This is to certify that this Resolution is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 17<sup>th</sup> day of April 2009.

  
Chair  
Environmental Management Commission  
Certified this 17<sup>th</sup> day of April 2009.

\_\_\_\_\_  
\_\_\_\_\_

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-2 of the Department's Environmental Management Commission Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, a representative of the Environmental Management Commission Strategic Planning Ad Hoc Committee (hereafter referred to as the Strategic Planning Committee) in consultation with a representative of the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by a representative of the Strategic Planning Committee in consultation with a representative of the Alabama Department of Environmental Management and submitted to the Commission by the Strategic Planning Committee.

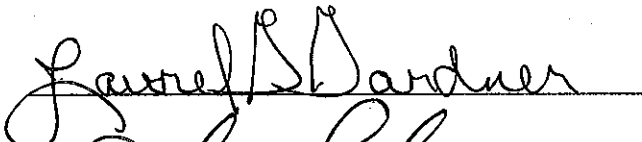
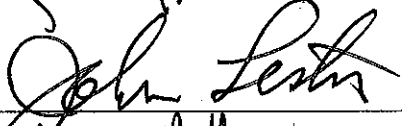
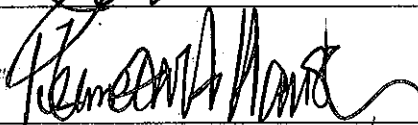
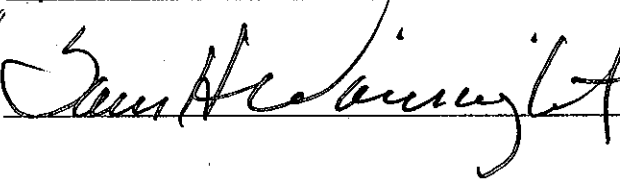
NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the revisions of chapter 335-2-2-.05, Consideration of Petition, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code 335-2-2-.05/Consideration of Petition  
Environmental Management Commission


IN WITNESS WHEREOF, we have affixed our signatures below on this 17<sup>th</sup> day of April  
2009.

APPROVED:

DISAPPROVED:

This is to certify that this Resolution is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 17<sup>th</sup> day of April 2009.

  
Chair  
Environmental Management Commission  
Certified this 17<sup>th</sup> day of April 2009.

ABSTAINED:

### **Attachment 3**





## **ENVIRONMENTAL MANAGEMENT COMMISSION RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-1 of the Department's General Administration Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the revisions of chapter 335-1-6-.04, Permit Application Fees, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

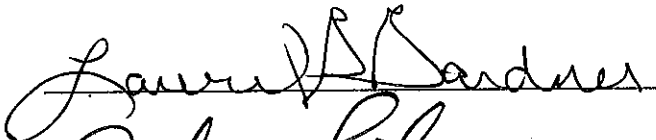
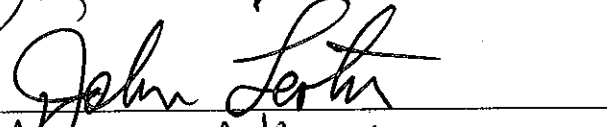
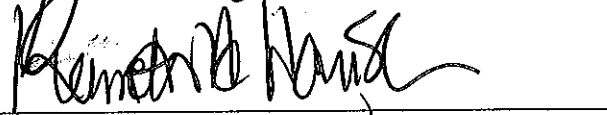

ADEM Admin. Code 335-1-6-.04

Permit Application Fees

General Administration

IN WITNESS WHEREOF, we have affixed our signatures below on this 17<sup>th</sup> day of April  
2009.

APPROVED:


DISAPPROVED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSTAINED:

\_\_\_\_\_

This is to certify that this Resolution is a true and accurate  
account of the actions taken by the Environmental  
Management Commission on this 17<sup>th</sup> day of April 2009.

  
Chair  
Environmental Management Commission  
Certified this 17<sup>th</sup> day of April 2009.

## **ENVIRONMENTAL MANAGEMENT COMMISSION RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed addition of ADEM Admin. Code 335-5 of the Department's Land Division Program regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate the addition of Division 335-5, Uniform Environmental Covenants Program, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION**

**RESOLUTION**

ADEM Admin. Code 335-5

Uniform Environmental Covenants Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April 2009.

APPROVED:

*Laurel S. Gardner*  
*John Lester*  
*Premont A. Harris*  
*Ben Healey*

DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 17<sup>th</sup> day of April 2009.

*Laurel S. Gardner*  
Chair  
Environmental Management Commission  
Certified this 17<sup>th</sup> day of April 2009.

ABSTAINED:

#### **Attachment 4**



## ENVIRONMENTAL MANAGEMENT COMMISSION RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-7 of the Department's Drinking Water Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-7 [ADEM Admin. Code r. 335-7-2-.09/Maximum Residual Disinfectant Levels and Monitoring Requirements (MRDLs) (Amend); 335-7-2-.11/Stage 1 Disinfection Byproducts (Amend); 335-7-2-.13/Distribution System Evaluation (Amend); 335-7-2-.17/Cryptosporidium Monitoring and Compliance (Amend); 335-7-2-.21/Public Notification (Amend); 335-7-5-.22/Ground Water Rule (New); 335-7-6-.09/High Rate Filtration Requirements (Amend); 335-7-6-.26/Inactivation Toolbox Components (Amend); 335-7-10-.04/Disinfectant Residual Requirements (Amend); 335-7-10-.05/Records (Amend); 335-7-10-.06/Reports (Amend); 335-7-11-.04/Initial Monitoring To Establish Action Levels (Amend); 335-7-11-.05/Repeat Monitoring Requirements (Amend); 335-7-11-.06/Number of Lead - Copper Monitoring Sites (Amend); 335-7-11-.10/Monitoring Waivers (Amend); 335-7-11-.12/Corrosion Control Treatment Requirement (Amend); 335-7-11-.14/Corrosion Control Parameter Monitoring Requirements

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

(Amend); 335-7-11-.15/Source Water Monitoring and Treatment (Amend); 335-7-11-.16/Lead Service Line Replacement (Amend); 335-7-11-.17/Public Education Requirement (Amend); 335-7-11-.18/Reporting Requirements (Amend); 335-7-14-.04/Content of Reports (Amend); 335-7-14-.05/Required Additional Health Information (Amend); Appendix A - Standard List of Primary Drinking Water Contaminants For CCR (Amend); Appendix B - Regulated Contaminants (Amend); and Appendix C - Health Affects and Required Language for Specific Contaminants (Amend)] of the Department's Water Division - Water Supply Program Rules, administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.



**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-7- Water Division - Water Supply Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April 2009.

APPROVED:

Laurel A. Sandner

John Lister

Kenneth M. Hays

Steve Hickling

DISAPPROVED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 17<sup>th</sup> day of April 2009.

Laurel A. Sandner  
Chair

Environmental Management Commission  
Certified this 17<sup>th</sup> day of April 2009.

ABSTAINED:



## **Attachment 5**

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## ENVIRONMENTAL MANAGEMENT COMMISSION RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-13 of the Department's Solid Waste Program Rules and Regulations in accordance with Code of Alabama 1975, §§ 22-22A-8 and 41-22-4; and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.




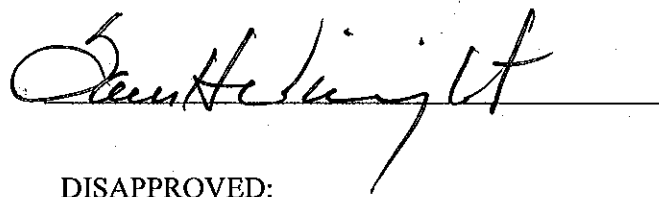
NOW THEREFORE, pursuant to Code of Alabama 1975, §§ 22-22A-5, 22-22A-6, 22-22A-8, and 41-22-5, as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to 335-13-11/Solid Waste Fund Site Remediation/Solid Waste Program administrative code attached hereto, to become effective thirty-five days after filing with the Alabama Legislative Reference Service.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-13 – Solid Waste Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 17th day of April 2009.

APPROVED:


DISAPPROVED:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSTAINED:

\_\_\_\_\_

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 17<sup>th</sup> day of April 2009.

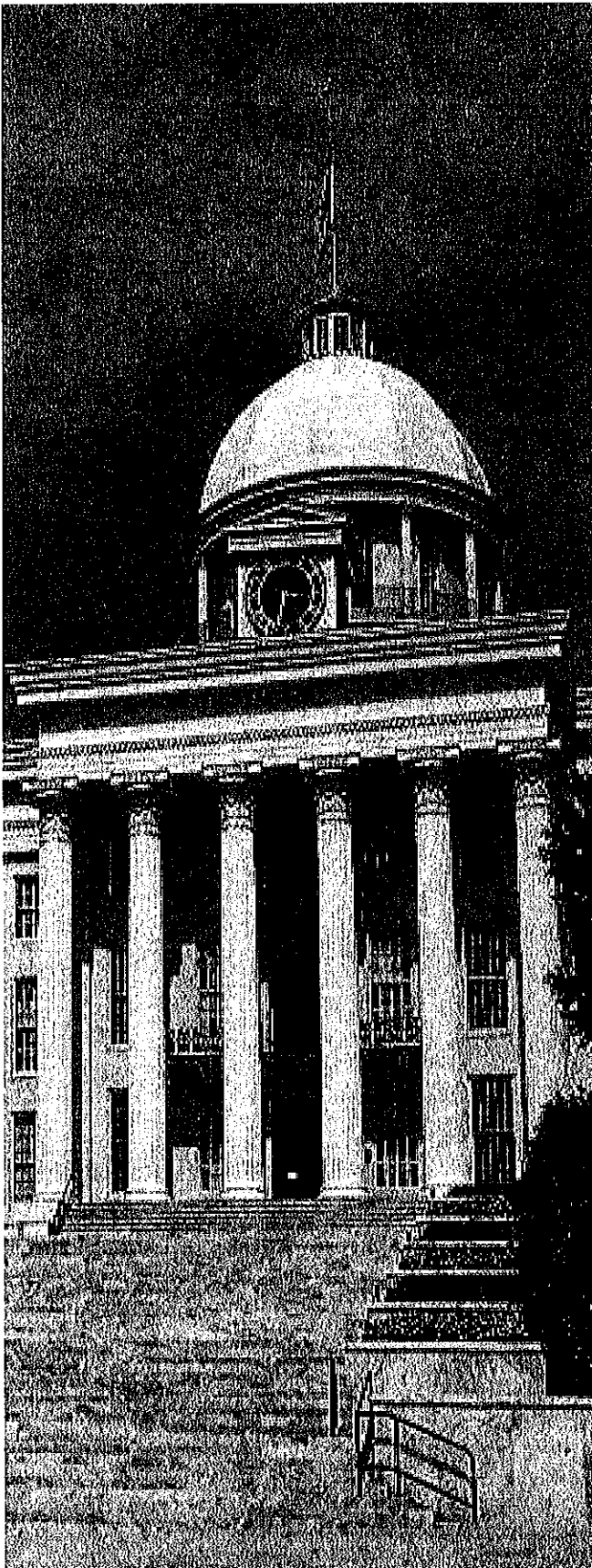
  
Chair  
Environmental Management Commission  
Certified this 17<sup>th</sup> day of April 2009.

\_\_\_\_\_

**Attachment 6**







AUBURN

MONTGOMERY

CENTER FOR GOVERNMENT

*Proposal  
to the  
Alabama  
Environmental Management  
Commission  
for the  
Development of a Form  
for the  
Evaluation of the Director*

*March 15, 2009*

*Contact:  
Robert T. Ashurst  
Auburn Montgomery,  
Center for Government  
400 South Union Street, Suite 100  
Montgomery, AL 36104  
(334) 244-3050*



## **Proposal to the Alabama Environmental Management Commission for the Development of a Form for the Evaluation of the Director**

### ***Background***

The Alabama Environmental Management Commission (AEMC) is responsible for the evaluation of the Director of the Alabama Department of Environmental Management (ADEM).

Past evaluations have involved the use of a form with evaluation criteria which the AEMC could not use. The criteria do not appropriately represent performance criteria of the Director and when Commissioners attempted to use the form they realized that they had no basis for evaluating the Director using the criteria listed.

The Commission would like to use an evaluation form that reflects the Director's current role and includes criteria which Commissioners can, in fact, use for evaluation. The approach should consider both self evaluation and Commissioner evaluation.

### ***Proposed Approach***

Auburn Montgomery proposes the following approach to the development of a form for the evaluation of the Director.

**Phase 1 – Project Initiation** – to initiate the project with key Commissioners and the Director.

- Conduct project initiation meeting and agree on project purpose, scope, schedule and expectations.
- Review the current form and approach to evaluation.

**Phase 2 – Definition of Expectations – define the Director's performance expectations to be used for evaluation.**

- Performance Expectations Data Collection - Meetings with the Director to collect detailed information about the Director's performance expectations.
- Expectation Identification - prepare draft of job performance expectations.
- Commission Review – Meet with the members of the Commission to review the defined performance expectations.
- Deliverable – A Description of the Director's performance expectations for the purpose of evaluation.

**Phase 3 – Develop Evaluation Process and Form**



- Develop a suggested process for reviewing identified job performance expectations.
- Present the process, including form, to the Commission for their review.
- Be available to assist the Commission in executing the process they choose.

### **Schedule and Pricing**

<b><u>Project Schedule</u></b>	<b><u>Weeks:</u></b>							
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
<b>Phase 1: Project Initiation</b>								
<b>Phase 2: Definition</b>								
<b>Phase 3: Process</b>								

### ***Pricing***

AUM proposes to develop the evaluation approach and forms as described above for a fixed fee of \$12,000 payable upon completion of the project.

Phase 1: Project Initiation	\$1,800
Phase 2: Definition	\$5,200
Phase 3: Process	<u>\$5,000</u>
Total	\$12,000

### **Agreement**

We propose that we engage in an Interdepartmental Agreement which will contain the terms of this proposal and that we begin work as soon as the Interdepartmental Agreement is signed by both parties.